IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

MONDAY, THE 4TH DECEMBER 2006 / 13TH AGRAHAYANA 1928

WP(C).No. 30213 of 2006(V)

PETITIONER:

BIJU C.S., AGED 31 YEARS,
S/O.SIVARAMAN, CHERUVIL HOUSE,
KOCHUTHOVALA, KATTAPPANA,
IDUKKI DISTRICT.

BY ADV. SRI.JOICE GEORGE

RESPONDENTS:

1. THE DEPUTY DIRECTOR, IDUKKI,
DEPARTMENT OF DAIRY DEVELOPMENT,
OFFICE OF THE DEPUTY DIRECTOR,
THODUPUZHA P.O., IDUKKI DISTRICT.

2. KOCHUTHOVALA KSHEEROLPATHAKA CO-OP.
SOCIETY,
NO.I-94 (D) APCOS, REP. BY ITS SECRETARY,
KOCHUTHOVALA, KATTAPPANA, IDUKKI DISTRICT.

3. THE ADMINISTRATIVE COMMITTEE OF THE
KOCHUTHOVALA KSHEEROLPATHAKA CO-OP. SOCIETY,
NO.I-94 (D) APCOS, REP. BY ITS PRESIDENT,
JOSE JOSEPH, MUTHANATTU VEEDU,
KOCHUTHOVALA P.O., KATTAPPANA, IDUKKI DISTRICT.

BY SENIOR GOVERNMENT PLEADER, SRI P.K.RAVISANKAR
ADV. SRI.BABY MATHEW

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 04/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXTS:-

EXT.P1 TRUE COPY OF THE ORDER NO.C-2670/2006 DATED 21/08/2006

EXT.P2 TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER DATED 03/11/2006

RESPONDENT'S EXT:-

EXT.R2(a) TRUE COPY OF THE RESOLUTION NO.2 DATED 20/11/2006 OF THE 3RD RESPONDENT-ADMINISTRATIVE COMMITTEE.

\\TRUE COPY //

P.A TO JUDGE

J.M.JAMES, J.

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W.P.(C) No. 30213 of 2006 (V)

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Dated this the 4th day of December, 2006

J U D G M E N T

Through Exhibit P1 order dated 21/08/2006, the second respondent Society was appointed with Administrators, under Rule 35 of the Kerala Co-operative Societies Rules, 1969, in short 'the Rules'. It was directed through Exhibit P1 that the administrators of the Society shall take steps to conduct an election to the new committee, according to Rule 35 of the Rules.

2. The grievance of the writ petitioner is that, though the Administrators took over the management of the second respondent Society, on 21/08/2006 itself, no steps had been taken so far, to proceed under Rule 35(1) of the Rules. Therefore, it is prayed by the writ petitioner, who is a member of the second respondent Society, to direct respondents 1 to 3 to conduct an election to the managing committee of the second respondent Society, before the expiry of six months period as stipulated in Exhibit P1 order dated 21/08/2006.

3. After hearing both sides and considering the submissions made by either side, I dispose of the writ petition with the following directions:-

i. The Administrators, who have been appointed as per Exhibit P1 order dated 21/08/2006, shall comply with the directions contained in Rule 35 of the Rules, so that a new committee to the second respondent Society would be selected.

ii. A resolution, as required under Rule 35(1) shall be passed before 60 days in advance of the date of expiration of the term of the present Administrators, and fix date, time and place for conduct of the election of the new committee.

iii. A copy of the resolution so passed shall be sent to the Registrar by registered post within a week.

iv. On receipt of the said resolution, the Registrar shall proceed under Sub Rule 2 of Rule 35.

(J.M.JAMES)
Judge

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